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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,367	01/26/2001	Shinichi Ochiai	2565-0224P	5749
2292	7590	01/02/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DUNCAN, MARC M	
			ART UNIT	PAPER NUMBER
			2113	
DATE MAILED: 01/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/769,367	OCHIAI, SHINICHI	
<b>Examiner</b>	<b>Art Unit</b>		
Marc M Duncan	2113		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 January 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 16 is/are rejected.
- 7) Claim(s) 7-15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> | 6) <input type="checkbox"/> Other: _____                                     |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 5, 6 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Buzsaki.

Regarding claim 1:

Buzsaki teaches a fault management table for storing operation mode information indicating an operating status of the information processing system and a type of the fault handling processing corresponding to the detected fault in the information processing system, the operation mode information being related with the type of the fault handling processing in col. 2 lines 58-66, col. 3 lines 2-6, col. 5 lines 58-59, col. 5 lines 65-66 and col. 6 lines 5-7.

Buzsaki also teaches a fault handling facility for determining the operation mode information and for obtaining the type of the fault handling processing corresponding to the operation mode information determined from the fault management table in the Abstract lines 10-12, col. 5 lines 65-66 and col. 6 lines 5-7.

Regarding claim 3:

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Buzsaki teaches a fault handling section including a module for providing the fault handling processing in col. 4 lines 39-42.

Buzsaki teaches the fault handling facility notifying the fault handling section of the type of the fault handling processing obtained in col. 4 lines 39-42.

Buzsaki further teaches the fault handling section starting the module for providing the type of the fault handling process notified in col. 39-42.

Regarding claim 4:

Buzsaki teaches the type of the fault handling processing including a type of fault information recording processing for recording the fault detected in col. 4 line 43-col. 5 line 6.

Buzsaki also teaches the fault management table including a fault information recording management table for storing the operation mode and the type of fault information recording processing, the operation mode information being related with the type of fault information recording processing in col. 5 lines 58-59 and col. 6 lines 6-7.

Regarding claim 5:

Buzsaki teaches the type of the fault handling processing including a type of the fault recovery processing for in col. 6 lines 6-7.

Buzsaki teaches the fault management table including a fault recovery management table for storing the operation mode and the type of fault recovery processing, the operation mode information being related with the type of fault recovery processing in col. 5 lines 58-59 and col. 6 lines 6-7.

Regarding claim 6:

Buzsaki teaches and operating status input section for inputting the operating status of the information processing system in col. 3 lines 2-6.

Buzsaki teaches the fault handling facility inputting the operating status being inputted from the operating status input section and determines the operation mode information according to the operating status inputted in col. 3 lines 2-6, col. 5 lines 65-66 and col. 6 lines 4-7.

Regarding claim 16:

Buzsaki teaches defining operation mode information indicating an operating status of an information processing system and a type of fault handling processing corresponding to a fault in the information processing system in col. 2 lines 58-66, col. 3 lines 2-6, col. 5 lines 58-59, col. 5 lines 65-66 and col. 6 lines 5-7.

Buzsaki teaches storing the operation mode information and the type of the fault handling processing defined, the operation mode information being related with the type of fault handling processing in col. 2 lines 58-66, col. 3 lines 2-6, col. 5 lines 58-59, col. 5 lines 65-66 and col. 6 lines 5-7.

Buzsaki teaches detecting a fault in the information processing system in col. 5 lines 63-64.

Buzsaki teaches obtaining operation mode information of the information processing system when the fault is detected in Abstract lines 10-12, col. 5 lines 65-66 and col. 6 lines 5-7

Buzsaki teaches obtaining the type of fault handling processing corresponding to the operation mode information obtained in Abstract lines 10-12, col. 5 lines 65-66 and col. 6 lines 5-7

Buzsaki further teaches handling the fault detected by using the type of fault handling processing obtained in col. 6 lines 4-7.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buzsaki in view of Batra.

Regarding claim 2:

The teachings of Buzsaki are outlined above.

Buzsaki does not expressly teach fault class information indicating a degree of seriousness of the fault detected. Buzsaki does, however, teach detecting fault

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information, determining error handling parameters, outputting error handling parameters to a fault handling facility, storing error handling parameters and a fault handling facility inputting error handling parameters and obtaining the type of fault handling processing corresponding to the error handling parameters.

Batra expressly teaches error handling parameters including fault class information indicating a degree of seriousness of the fault detected in the Abstract lines 4 and 7-8 and col. 2 lines 9-11.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the fault class information of Batra with the error handling parameters of Buzsaki.

One of ordinary skill in the art at the time of invention would have been motivated to combine the teachings because Buzsaki teaches error handling parameters that are used to determine a type of fault handling processing to be utilized and states that the parameters can be "other factors selected by the user" in col. 3 lines 5-6. Batra teaches that assigning severity levels of a fault is necessary for choosing fault handling processing because some faults are critical problems that must be addressed immediately, while others are problems that may simply cause a more sever disruption in the long run in col. 4 lines 15-20.

***Allowable Subject Matter***

Claims 7-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Prior art was not found that explicitly teaches or fairly suggests determining an operation mode based on an attached device as outlined in claim 7. Prior art was not found that explicitly teaches or fairly suggests determining an operation mode based on the type of system configuration as outlined in claim 9. Prior art was not found that teaches determining the operation mode based on the fault detected as outlined in claim 14. Other claims indicated as allowable are indicated as such because they depend from either claim 7, 9 or 14. These claims are considered allowable only when taken in combination with the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art not relied upon contains elements of the instant claims and/or represents a current state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc M Duncan whose telephone number is 703-305-4622. The examiner can normally be reached on M-T and TH-F 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 703-305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

md

*Robert W. Beausoliel*  
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